

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TAKEDA PHARMACEUTICAL CO., LTD.,  
TAKEDA PHARMACEUTICALS NORTH  
AMERICA, INC., TAKEDA  
PHARMACEUTICALS LLC, AND TAKEDA  
PHARMACEUTICALS AMERICA, INC.,

Plaintiffs,

vs.

TWI PHARMACEUTICALS, INC.,

Defendant.

Case No. 3:11-cv-01609 JCS

**~~[PROPOSED]~~ FINAL JUDGMENT AS TO  
TWI PHARMACEUTICALS, INC.**

Judge: Hon. Joseph C. Spero  
Courtroom G, 15<sup>th</sup> Floor

Related Cases: 3:11-cv-00840 (JCS)  
3:11-cv-01610 (JCS)

1 This action having come before the Court for a bench trial from June 5 to June 12, 2013;  
2 the issues having been heard and a decision having been rendered:

3 **IT IS HEREBY ORDERED AND ADJUDGED** this 1st day of November, 2013, for  
4 the reasons set forth in the Court's Findings of Fact and Conclusions of Law [D.N. 330] dated  
5 October 17, 2013, that Judgment shall be entered in favor of Plaintiffs Takeda Pharmaceuticals  
6 Co., Ltd., Takeda Pharmaceuticals North America, Inc., Takeda Pharmaceuticals LLC, and  
7 Takeda Pharmaceuticals America, Inc. (collectively, "Takeda"), and against Defendant TWi  
8 Pharmaceuticals, Inc. ("TWi"), on Takeda's claim that TWi's proposed products described in  
9 Abbreviated New Drug Application ("ANDA") No. 202-666 infringe asserted claims 1 and 2 of  
10 U.S. Patent No. 7,737,282 ("the '282 Patent") pursuant to 35 U.S.C. § 271(e)(2); and it is further,

11 **ORDERED AND ADJUDGED** that the asserted claims of the '282 Patent are valid and  
12 enforceable, and that Judgment shall be entered in favor of Takeda and against TWi on all  
13 counterclaims and defenses alleging noninfringement, invalidity, or unenforceability of the '282  
14 Patent; and it is further,

15 **ORDERED AND ADJUDGED** that the Court declines to exercise jurisdiction of  
16 Takeda's declaratory judgment claim against TWi pursuant to 35 U.S.C. § 271(a); and it is further,

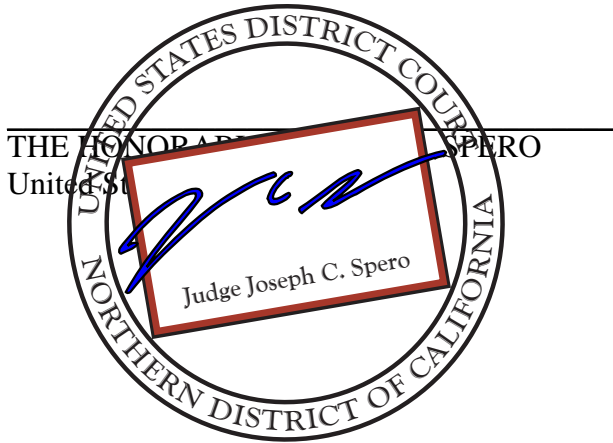
17 **ORDERED AND ADJUDGED**, pursuant to the Court's Order Re Summary Judgment  
18 [D.N. 235] dated April 8, 2013, that Judgment shall be entered in favor of TWi and against Takeda  
19 on Takeda's claim that TWi's proposed products described in ANDA No. 202-666 infringe  
20 asserted claims 2 and 4 of U.S. Patent No. 7,790,755 ("the '755 Patent"); and it is further,

21 **ORDERED AND ADJUDGED** that Judgment shall be entered in favor of TWi and  
22 against Takeda on TWi's counterclaim alleging noninfringement of asserted claims 2 and 4 of the  
23 '755 patent, and that all counterclaims and defenses alleging invalidity and unenforceability of the  
24 '755 Patent are moot; and it is further,

25 **ORDERED** that, pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any approval  
26 by the United States Food and Drug Administration of TWi's proposed products described in  
27 ANDA No. 202-666 shall be a date that is not earlier than the date of expiration of the '282 Patent  
28 (currently, June 15, 2020); and it is further,

~~ORDERED~~ that, pursuant to Civil L.R. 54-1, costs shall be awarded to Takeda. JCS

DATED: 11/01, 2013



1  
2 DATED: October 25, 2013  
3  
4

Presented by,

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By: /s/ Heather E. Takahashi

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